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**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MARILYN M. RUMAN, Ph.D.
211 South Beverly Drive, Suite 109
Beverly Hills, CA 90212

Psychologist's License
No: PSY 6181

Respondent.

Case No. W 190

OAH No. L-2000100207

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on May 17, 2001.

It is so ORDERED April 17, 2001.

MKG

FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
Martin R. Greenberg, Ph.D., President

1 BILL LOCKYER, Attorney General
of the State of California
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6 Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. W 190

12 **MARILYN M. RUMAN, Ph.D.**
211 South Beverly Drive, Suite 109
13 Beverly Hills, CA 90212

OAH No. L-2000100207

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Psychologist's License
15 No: PSY 6181

16 Respondent.

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18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
19 the above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Complainant Thomas O'Connor ("Complainant") is the Executive Officer
22 of the Psychology Board of California who brought this action solely in his official capacity and
23 is represented in this matter by Bill Lockyer, Attorney General of the State of California, by
24 Deputy Attorney General John E. DeCure.

25 2. Respondent Marilyn M. Ruman, Ph.D. ("Respondent"), is represented in
26 this proceeding by attorney Mark A. Levin, whose address is Lewin & Levin, 12400 Wilshire
27 Blvd., Suite 900, Los Angeles, CA 90025.

28 3. On or about December 21, 1979, the Board of Psychology of California

1 issued Psychologist's License Number PSY 6181 to Marilyn M Ruman, Ph.D. ("Respondent").
2 The Psychologist's License was in full force and effect at all times relevant to the charges
3 brought herein and will expire on November 30, 2001, unless renewed.

4 **JURISDICTION**

5 4. Accusation No. W 190 was filed before the Board of Psychology,
6 Department of Consumer Affairs, ("Board"), and is currently pending against Respondent. The
7 Accusation, together with all other statutorily required documents, was duly served on
8 Respondent on or about July 25, 2000, and Respondent timely filed her Notice of Defense
9 contesting the Accusation. A copy of Accusation No. W 190 is attached as Exhibit A and
10 incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read and discussed with her counsel the nature of
13 the charges and allegations in the Accusation and the effects of this Stipulated Settlement and
14 Disciplinary Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Accusation, the right to be represented by
17 counsel, at her own expense, the right to confront and cross-examine the witnesses against her,
18 the right to present evidence and to testify on her own behalf and to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents, the right to reconsideration
20 and court review of an adverse decision, and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly and intelligently waives and gives up
23 each and every right set forth above.

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CULPABILITY

8. Respondent understands that the charges and allegations in the Accusation, if proven at a hearing, would constitute cause for imposing discipline upon her Psychologist's License.

9. Respondent admits that she violated subdivision (j) of Business and Professions Code ("Code") section 2960 (gross negligence), and subdivision (r) of Code section 2960 (repeated acts of negligence). These violations arise from misconduct generally alleged in the first and second cause for discipline in Accusation No. W 190. For the purpose of resolving Accusation No. W 190 without the expense and uncertainty of further proceedings, Respondent admits that, at a hearing, Complainant could establish a prima facie factual basis for the misconduct alleged in the first and second causes for discipline. However, Respondent and Complainant stipulate that the specific factual basis for Respondent's admissions to these Code violations is as follows:

(A) Respondent socialized with two patients by dining with them at a restaurant in September of 1998, and by inviting them to a dinner party at her home in October of 1998, which they in fact attended.

(B) Respondent engaged in a personal, friendship-based relationship with patient S.S. during the fall of 1998, in which she disclosed personal aspects of her life that were unrelated to the patient's therapeutic needs.

(C) Respondent exploited the therapeutic relationship with patient S.S. by soliciting an invitation from her to a social event (a break-the-fast) on September 30, 1998, to which Respondent had not been invited.

(D) Although Respondent believed that patient S.S. and patient S.S.'s boyfriend had terminated their relationship, Respondent became involved in a romantic relationship with S.S.'s ex-boyfriend while S.S. was still her patient. S.S. had one therapy session with Respondent, on October 28, 1998, after Respondent had begun dating S.S.'s ex-boyfriend. In that session, S.S. discussed her discomfort from breaking up with the ex-boyfriend. Respondent counseled S.S. regarding dealing with her grief over the breakup,

1 while not revealing to S.S. that she (Respondent) had become involved in a romantic
2 relationship with the ex-boyfriend.

3 10. The third cause for discipline in Accusation No. W 190 alleges that
4 Respondent violated subdivision (h) of Code section 2960 (wilful communication of
5 unauthorized confidential information) by revealing confidential patient information during
6 therapy sessions and at social occasions she attended in which both patients and their friends,
7 lovers, and/or spouses were also present. For the purpose of resolving Accusation No. W 190
8 without the expense and uncertainty of further proceedings, Respondent admits that, at a hearing,
9 Complainant could establish a prima facie factual basis for the misconduct alleged in the third
10 cause for discipline.

11 11. For purposes of this settlement, Complainant withdraws the allegations in
12 the fourth cause for discipline in Accusation No. W 190 (this count alleges violation of
13 provisions regulating the practice of psychology as promulgated in Title 16, Article 8, section
14 1396.1 of the California Code of Regulations). As set forth below in paragraph 13 , Complainant
15 expressly reserves the right to not be disqualified from further action regarding this cause for
16 discipline in the event that this stipulation is not adopted by the Division.

17 12. Respondent agrees that her Psychologist's License is subject to discipline
18 and she agrees to be bound by the Board's imposition of discipline as set forth in the Order
19 below.

20 CONTINGENCY

21 13. This stipulation shall be subject to the approval of the Board.
22 Respondent understands and agrees that the Board's staff and counsel for Complainant may
23 communicate directly with the Board regarding this stipulation and settlement, without notice to
24 or participation by Respondent or his counsel. If the Board fails to adopt this stipulation as its
25 Order, except for this paragraph the Stipulated Settlement and Disciplinary Order shall be of no
26 force or effect, it shall be inadmissible in any legal action between the parties, and the Board
27 shall not be disqualified from further action in this matter by virtue of its consideration of this
28 stipulation.

14. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the original Stipulated Settlement and Disciplinary Order and signatures.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board shall, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Psychologist's License Number PSY 6181, issued to Respondent Marilyn M. Ruman, Ph.D., is revoked; the revocation is stayed, and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **PSYCHOLOGICAL EVALUATION** Within ninety (90) days after the effective date of this decision and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed California-licensed psychologist. Respondent shall sign a release which authorizes the evaluator to furnish the Board a current DSM IV diagnosis and a written report regarding Respondent's judgment and/or ability to function independently as a psychologist with safety to the public, and whatever other information the Board deems relevant to the case. The completed evaluation is the sole property of the Board. Respondent shall receive a copy of the completed evaluation.

If the evaluator and the Board conclude from the results of the evaluation that Respondent is unable to practice independently and safely, Respondent shall immediately cease practice and shall not resume practice until notified in writing by the Board or its designee. During this suspension period, probation will be tolled until successful completion of suspension.

If ongoing psychotherapy is recommended for patient safety in the psychological evaluation, the Board will notify Respondent in writing to submit to such therapy and to select a psychotherapist for approval by the Board or its designee within thirty (30) days of such notification. Respondent may resume psychotherapy with her current therapist, Thomas Mintz, M.D., if ongoing psychotherapy is recommended. If Dr. Mintz becomes unavailable for any

1 reason, Respondent must select and submit for approval by the Board or its designee a therapist
2 who shall 1) be a California-licensed psychologist or psychiatrist with a clear and current license,
3 and 2) have no previous business, professional, personal or other relationship with Respondent.

4 Frequency of psychotherapy shall be determined upon recommendation of the
5 treating psychotherapist with approval by the Board or its designee; however, psychotherapy
6 shall, at a minimum, consist of one one-hour session per week for a minimum of one year.

7 If, at any time after one (1) years, Respondent's treating psychotherapist
8 determines that psychotherapy is no longer required, he/she may release Respondent from this
9 requirement with written notice to the Board or its designee.

10 Respondent shall execute a release authorizing the therapist to provide the Board
11 any information the Board or its designee deems appropriate, including quarterly reports of
12 Respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the
13 therapist. If the therapist believes Respondent cannot continue to independently render
14 psychological services safely to the public, he/she shall notify the Board immediately.

15 Respondent shall pay all costs associated with the psychological evaluation and
16 ongoing psychotherapy. Failure to pay costs will be considered a violation of the probation order.

17 2. **PRACTICE MONITOR** Within ninety (90) days of the effective date of
18 this Decision, Respondent shall submit to the Board or its designee for prior approval, the name
19 and qualifications of a psychologist who has agreed to serve as a practice monitor. Respondent's
20 informal once-monthly practice monitor since August of 1999 has been Jeffrey Younggren,
21 Ph.D., and Complainant stipulates that Dr. Younggren will be an acceptable practice monitor if
22 he is available to Respondent. If not, the monitor shall 1) be a California-licensed psychologist
23 with a clear and current license; 2) have no prior business, professional, personal or other
24 relationship with Respondent, and 3) not be the same person as Respondent's therapist. The
25 monitor's education and experience shall be in the same field of practice as that of Respondent.

26 Once approved, the monitor shall submit to the Board or its designee a plan by
27 which Respondent's practice shall be monitored. Monitoring shall consist of at least one
28 hour per month of individual face-to-face meetings and shall continue for the first three (3) years

1 of the probationary period. If, after three (3) years of monitoring, Dr. Younggren/the monitor
2 determines that his/her supervision is no longer required, he/she may release Respondent from
3 this requirement with written notice to the Board or its designee.

4 Respondent shall provide the monitor with a copy of this Decision and access to
5 Respondent's fiscal and/or patient records. If requested by the monitor, Respondent shall obtain
6 any necessary patient releases to enable the monitor to review records and to make direct contact
7 with patients. Respondent shall execute a release authorizing the monitor to divulge any
8 information that the Board may request. It shall be Respondent's responsibility to assure that the
9 monitor submits written reports to the Board or its designee on a quarterly basis verifying that
10 monitoring has taken place and providing an evaluation of Respondent's performance.

11 Respondent shall notify all current and potential patient's of any term or condition
12 of probation which will affect their therapy or the confidentiality of their records (such as this
13 condition). Such notifications shall be signed by each patient prior to continuing or commencing
14 treatment.

15 If the monitor quits or is otherwise no longer available, Respondent shall not
16 practice until a new monitor has been approved by the Board or its designee. Respondent shall
17 pay all costs associated with this monitoring requirement. Failure to pay these costs shall be
18 considered a violation of probation.

19 3. **COURSE WORK** Respondent shall take and successfully complete not
20 less than twelve (12) hours of course work each year of probation in the following areas: law;
21 ethics and ethical issues; and therapist/patient boundaries (provided that such course work is
22 available). Course work must be pre-approved by the Board or its designee. All course work
23 must be taken at the graduate level at an accredited educational institution or by an approved
24 continuing education provider. Classroom attendance is specifically required; correspondence or
25 home study course work shall not count toward meeting this requirement. The course work must
26 be in addition to any continuing education courses that may be required for license renewal.

27 Within ninety (90) days of the effective date of this Decision, Respondent shall
28 submit to the Board or its designee for its prior approval a plan for meeting the educational

1 requirements. All costs of the course work shall be paid by Respondent.

2 4. **COST RECOVERY** Respondent shall pay the Board its costs of
3 investigation and enforcement in the amount of eight-thousand-eight-hundred forty-five dollars
4 (\$8,845.00) within the first two (2) years of probation. Such costs shall be payable to the Board
5 of Psychology. Failure to pay such costs shall be considered a violation of probation.

6 5. **PROBATION COSTS** Respondent shall pay the costs associated with
7 probation monitoring each and every year of probation. Such costs shall be payable to the Board
8 of Psychology at the end of each fiscal year. Failure to pay such costs shall be considered a
9 violation of probation.

10 6.. **OBEY ALL LAWS** Respondent shall obey all federal, state and local
11 laws, all rules governing the practice of Psychology in California including the ethical guidelines
12 of the American Psychological Association. A full and detailed account of any and all violations
13 of law shall be reported by Respondent to the Board or its designee in writing within seventy-two
14 (72) hours.

15 7.. **QUARTERLY REPORTS** Respondent shall submit quarterly
16 declarations under penalty of perjury on forms provided by the Board or its designee, stating
17 whether there has been compliance with all the conditions of probation.

18 8.. **PROBATION COMPLIANCE** Respondent shall comply with the
19 Board's probation surveillance program and shall, upon reasonable notice, report to the assigned
20 District Office of the Medical Board of California or other designated probation monitor.
21 Respondent shall contact the assigned probation monitor regarding any questions specific to the
22 probation order. Respondent shall not have any unsolicited or unapproved contact with 1)
23 complainants associated with the case; 2) Board members or members of its staff; or 3) persons
24 serving the Board as expert evaluators.

25 9.. **INTERVIEW WITH BOARD OR ITS DESIGNEE** Respondent shall
26 appear in person for interviews with the Board or its designee upon request at various intervals
27 and with reasonable notice.

28 10. **CHANGES OF EMPLOYMENT** Respondent shall notify the Board in

1 writing, through the assigned probation monitor, of any and all changes of employment, location,
2 and address within thirty (30) days of such change.

3 11. **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**
4 **IN-STATE NON-PRACTICE** In the event Respondent should leave California to reside or to
5 practice outside the State or for any reason should Respondent stop practicing medicine in
6 California, Respondent shall notify the Board or its designee in writing within ten (10) days of
7 the dates of departure and return or the dates of non-practice within California. Non-practice is
8 defined as any period of time exceeding thirty (30) days in which respondent is not engaging in
9 any activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods
10 of temporary or permanent residence or practice outside California or of non-practice within
11 California, as defined in this condition, will not apply to the reduction of the probationary order.

12 12. **EMPLOYMENT AND SUPERVISION OF TRAINEES** If
13 Respondent is licensed as a psychologist, she shall not employ or supervise psychological
14 assistants, interns or trainees during the course of this probation. Respondent shall terminate any
15 such supervisorial relationship in existence on the effective date of this probation.

16 13. **FUTURE REGISTRATION OR LICENSURE** If Respondent is
17 currently registered as a psychological assistant and subsequently obtains other psychological
18 assistant registrations or becomes licensed as a psychologist during the course of this
19 probationary order, Respondent agrees that this Decision shall remain in full force and effect
20 until the probationary period is successfully terminated.

21 14. **VIOLATION OF PROBATION** If Respondent violates probation in
22 any respect, the Board may, after giving respondent notice and the opportunity to be heard,
23 revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition
24 to revoke probation is filed against respondent during probation, the Board shall have continuing
25 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
26 is final. No petition for modification or termination of probation shall be considered while there
27 is an accusation or petition to revoke probation pending against Respondent.

28 15. **COMPLETION OF PROBATION** Upon successful completion of

1 probation, respondent's certificate shall be fully restored.

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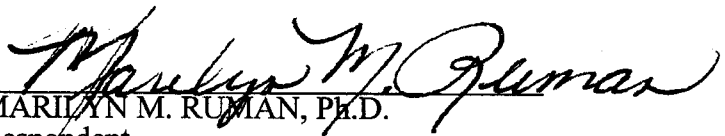
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1 ACCEPTANCE


2 I have carefully read the above Stipulated Settlement and Disciplinary Order and
3 have fully discussed the terms and conditions and other matters contained therein with my
4 attorney, Mark A. Levin, I understand the effect this stipulation will have on my Psychologist's
5 License. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and
6 agree to be bound by the Disciplinary Order and Decision of the Board of Psychology,
7 Department of Consumer Affairs, State of California. I further agree that a facsimile copy of this
8 Stipulated Settlement and Disciplinary Order, including facsimile copies of signatures, may be
9 used with the same force and effect as the originals.

10 DATED: 2/21/2001

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12 
13 MARILYN M. RUMAN, Ph.D.
14 Respondent

15
16 I have read and fully discussed with Respondent Marilyn M. Ruman, Ph.D. the
17 terms and conditions and other matters contained in the above Stipulated Settlement and
18 Disciplinary Order and approve its form and content.

19 DATED: Feb. 21, 2001.

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21 
22 MARK A. LEVIN
23 Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Psychology, Department of Consumer Affairs.

DATED: 3-1-01.

BILL LOCKYER, Attorney General
of the State of California


JOHN E. DeCURE
Deputy Attorney General

Attorneys for Complainant

Exhibit A:

Accusation, Case No. W 190

1 BILL LOCKYER, Attorney General
of the State of California
2 ADRIAN K. PANTON, State Bar No. 64459
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 897-6593
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6 Attorneys for Complainant

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9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

Case No. W 190

12 MARILYN M. RUMAN, Ph.D.
13 211 South Beverly Drive, Suite 109
14 Beverly Hills, California 90212

A C C U S A T I O N

15 Psychologist's License No. PSY 6181

16 Respondent

17 Complainant alleges:

18 **PARTIES**

19 1. Thomas S. O'Connor ("Complainant") brings this accusation solely in his
20 official capacity as the Executive Officer of the Board of Psychology, Department of
21 Consumer Affairs.

22 2. On or about December 21, 1979, the Board of Psychology issued
23 Psychologist's License Number PSY 6181 to Marilyn M. Ruman, Ph.D. ("Respondent"). The
24 Psychologist's License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on November 30, 2001, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Psychology ("Board"),
28 under the authority of the following sections of the Business and Professions Code ("Code").

1 4. Section 2960 of the Code states:

2 The board may refuse to issue any registration or license, or may issue a
3 registration or license with terms and conditions, or may suspend or revoke the registration or
4 license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of
5 unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

6 (a) Conviction of a crime substantially related to the qualifications,
7 functions or duties of a psychologist or psychological assistant.

8 (b) Use of any controlled substance as defined in Division 10
9 (commencing with Section 11000) of the Health and Safety Code, or dangerous
10 drug, or any alcoholic beverage to an extent or in a manner dangerous to himself
11 or herself, any other person, or the public, or to an extent that this use impairs his
12 or her ability to perform the work of a psychologist with safety to the public.

13 (c) Fraudulently or neglectfully misrepresenting the type or status of
14 license or registration actually held.

15 (d) Impersonating another person holding a psychology license or
16 allowing another person to use hi or her license or registration.

17 (e) Using fraud or deception in applying for a license or registration or in
18 passing the examination provided for in this chapter.

19 (f) Paying, or offering to pay, accepting, or soliciting any consideration,
20 compensation, or remuneration, whether monetary or otherwise, for the referral of
21 clients.

22 (g) Violating Section 17500.

23 (h) Willful, unauthorized communication of information received in
24 professional confidence.

25 (i) Violating any rule of professional conduct promulgated by the board
26 and set forth in regulations duly adopted under this chapter.

27 (j) Being grossly negligent in the practice of his or her profession.

28 (k) Violating any of the provisions of this chapter or regulations duly

1 adopted thereunder.

2 (l) The aiding or abetting of any person to engage in the unlawful practice
3 of psychology.

4 (m) The suspension, revocation or imposition of probationary conditions
5 by another state or country of a license or certificate to practice psychology or as a
6 psychological assistant issued by that state or country to a person also holding a
7 license or registration issued under this chapter if the act for which the
8 disciplinary action was taken constitutes a violation of this section.

9 (n) The commission of any dishonest, corrupt, or fraudulent act.

10 (o) Any act of sexual abuse, or sexual relations with a patient, or sexual
11 misconduct which is substantially related to the qualifications, functions or duties
12 of a psychologist or psychological assistant.

13 (p) Functioning outside of his or her particular field of fields of
14 competence as established by his or her education, training, and experience.

15 (q) Willful failure to submit, on behalf of an applicant for licensure,
16 verification of supervised experience to the board.

17 (r) Repeated acts of negligence.

18 5. Title 16, article 8, section 1396.1 of the California Code of Regulations
19 states:

20 It is recognized that a psychologist's effectiveness depends upon his or her ability
21 to maintain sound interpersonal relations, and that temporary or more enduring problems in a
22 psychologist's own personality may interfere with this ability and distort his or her appraisals
23 of others. A psychologist shall not knowingly undertake any activity in which temporary or
24 more enduring personal problems in the psychologist's personality integration may result in
25 inferior professional services or harm to a patient or client. If a psychologist is already engaged
26 in such activity when becoming aware of such personal problems, he or she shall seek competent
27 professional assistance to determine whether services to the patient or client should be continued
28 or terminated.

1 6. Section 125.3 of the Code states, in pertinent part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Gross Negligence)

7 7. Respondent is subject to disciplinary action under subdivision (j) of Code
8 section 2960 for gross negligence in rendering psychological therapy to two patients. The
9 circumstances are as follows:

10 **Patient S.S.¹**

11 a. In December 1988, S.S. began therapy with respondent for issues
12 related to her divorce after 27 years of marriage. For the first few years, S.S. saw respondent for
13 approximately three or four times a month. The therapeutic relationship continued through
14 approximately October 1998 with the therapy sessions over the last several years occurring
15 sporadically. This reduction in the number of sessions was occasioned by financial
16 considerations on the part of S.S. Respondent estimated that she saw S.S. approximately 30
17 times from 1990 to 1997.

18 b. According to S.S., in February 1998, she sought professional
19 advice from respondent for issues related to a relationship with a man S.S. was dating. At
20 respondent's insistence, this therapy session was conducted at the Hamburger Hamlet in Beverly
21 Hills. S.S. also recalled attending a Yoga party at the home of respondent sometime between
22 February and September of 1998 and having dinner with respondent at La Scala restaurant in
23 Beverly Hills in September 1998. During the dinner at La Scala, respondent disclosed the fact
24 that she had been separated from her husband for nine months. Although denied by respondent,
25 on another occasion in September 1998, S.S. recalled being told by respondent that she and her
26

27 1. The patients will be referred to by initials. Their full names will be disclosed to
28 respondent when discovery is provided pursuant to Government Code section 11507.6.

1 husband were getting a divorce after 35 years of marriage, that respondent and her husband had
2 not had sex in nine years, and that they each had lovers. After the La Scala dinner, S.S. and
3 respondent walked to a restaurant where S.S. introduced respondent to a Mr. Moss, a man whom
4 S.S. had been dating in a serious relationship for the past four months.

5 c. S.S. was a friend of the wife of Dr. Rabow, a licensed marriage,
6 family and child counselor. On or about September 29, 1998, Dr. Rabow and his wife hosted a
7 break the fast party in celebration of Yom Kippur which was on September 30. According to
8 S.S., who had been invited to the celebration, respondent contacted her to find out what S.S. was
9 doing for Yom Kippur. Respondent asked if she could attend the event and S.S., after contacting
10 the Rabows, told her yes. Respondent attended the celebration.

11 d. S.S. also recalled that in the latter part of September 1998,
12 respondent, at S.S.'s invitation, had dinner at Banderas Restaurant in West Los Angeles. Present
13 at this dinner were Mr. Moss, M.K., a male patient of respondent, and S.R., M.K.'s male lover.
14 S.S. mentioned during the dinner that she would be out of town during the first week of October.
15 S.S. answered yes when Mr. Moss asked if he could take respondent to dinner while S.S. was out
16 of town.

17 e. On October 17, approximately two weeks after the Banderas
18 dinner, respondent hosted a dinner party at her home. Included among the guests were all of the
19 people who were present at Banderas. Also in attendance was D.F., another female patient of
20 respondent. During her dinner party, respondent kept touching and hanging on Mr. Moss. S.S.
21 described respondent's behavior as being out of control in that her halter top kept falling down
22 which exposed her breasts and respondent was not at all embarrassed by this. In fact, respondent
23 found it amusing.

24 f. Respondent was involved in another incident at the October 17
25 dinner party which occurred in the presence of S.S. As previously noted, M.K. and S.R. were in
26 attendance at the dinner party. M.K. was a patient of respondent and S.R. was his lover of
27 approximately 18 ½ years. Respondent was aware of their romantic relationship. During the
28 dinner party, while S.R. and respondent were engaged in small talk, respondent hugged and

1 kissed S.R. When respondent kissed him, she inserted her tongue into S.R.'s mouth. S.R.
2 interpreted the kiss as being romantic and told M.K. about the incident. M.K. became upset after
3 S.R. told him about the incident.

4 g. A few weeks after the October 17 dinner party, Mr. Moss
5 terminated his relationship with S.S. telling her that he wanted to be sexually involved with other
6 women. S.S. was upset that the relationship had ended and went to a therapy session with
7 respondent on or about October 29. In response to respondent's recommendation, S.S. wrote a
8 letter to Mr. Moss telling him how angry he had made her. Respondent reviewed the letter
9 before S.S. sent it. In early November, S.S. asked respondent to refer her to a physician for anti-
10 depressant and sleep aid medication. S.S. wanted the medication because she was distraught
11 over her break-up with Mr. Moss. Respondent made the referral and S.S. obtained the
12 medication.

13 h. In November, respondent was preparing to move to a new
14 residence because she was going through a divorce. S.S. had made arrangements with
15 respondent to assist her in the move. On or about November 6, S.S. went to respondent's
16 apartment to help her unpack. At one point while S.S. was in the apartment, respondent emerged
17 completely naked. In response to S.S.'s inquiry as to what she was doing, respondent replied
18 that she was going to take a shower. S.S. thought that this behavior was strange and it made her
19 feel uncomfortable.

20 i. S.S. last saw respondent at a fund-raising event in early December.
21 Sometime in mid-December, S.S. heard that respondent was romantically involved with Mr.
22 Moss. In late January 1999, Mr. Moss admitted his romantic relationship with respondent and
23 told S.S. that he and respondent had sex while S.S. was out town during the first week of October.

24 j. The standard of care requires that psychologists maintain
25 appropriate boundaries in their professional relationships with therapy patients to avoid confusion
26 or potential exploitation of the therapeutic relationship through non-professional relationships.
27 This standard dictates that a psychologist is to avoid improper and potentially harmful dual
28 relationships as well as multiple relationships that might exploit or interfere with the effectiveness

1 of a professional relationship. The standard of care further requires that a psychologist refrain
2 from inappropriate social behavior and sexually provocative acts in the presence of patients.

3 k. Respondent was grossly negligent based on the following acts and
4 omissions, both individually and collectively, as follows: (1) respondent repeatedly invited
5 current and former patients to social events (e.g., 9/98 Banderas Restaurant dinner and 10/98
6 dinner party hosted by respondent) where patient confidences were subject to disclosure; (2) in
7 the presence of patients at non-therapeutic social events or meetings, respondent engaged in
8 socially inappropriate behavior and sexually provocative conduct as reflected in the incident
9 where her breasts were exposed her after allowing her halter to fall off, kissing S.R. in the lips,
10 and presenting herself nude in the presence of S.S.; (3) respondent engaged in a long-term
11 personal, friendship based relationship with S.S. where respondent disclosed intimate aspects of
12 her life which were unrelated to the therapeutic needs of S.S.; (4) respondent exploited the
13 therapeutic relationship by soliciting an invitation from S.S. to a social event hosted by Dr.
14 Rabow to which respondent had not been invited; and (5) respondent developed a romantic
15 relationship with the boyfriend of S.S. during the therapeutic relationship.

16 Patient M.K.

17 l. M.K. began therapy with respondent in September or October 1995
18 after being referred to her by S.S. The last session was in November 1998. Beginning July or
19 August 1998, M.K. had therapy sessions approximately twice a week. M.K. terminated the
20 relationship because of his discomfort relating to respondent's disclosure to him of information
21 regarding other patients whom M.K. knew. Respondent denied discussing any of her patients
22 with M.K.

23 m. According to M.K., the first disclosure occurred during a therapy
24 session on a date he was unable to recall. M.K. was telling respondent that an attorney he had
25 retained was a person who treated his ex-wife poorly. Respondent told M.K. that the attorney had
26 been a patient of hers and that he was a terrible person who was selfish and had cheated on his
27 wife. Respondent told M.K. that she had refused to see the patient anymore and she asked M.K.
28 had he met the patient's disgusting girlfriend who respondent described as low-class and a bimbo.

1 n. Sometime in July or August 1998, M.K. was told by respondent at
2 one of his therapy sessions that she had become friendly with a patient named D.F. M.K. if this
3 was the D.F. who resided at a certain address and respondent told him yes. D.F. is a friend of
4 M.K. Respondent told M.K. that D.F. and her husband were getting a divorce and that the
5 husband was a horrible person. Prior to this conversation, M.K. was unaware that D.F. was
6 getting a divorce. At a dinner party hosted by respondent at her home on October 17, 1998 to
7 which both M.K. and D.F. were present, respondent disclosed additional information about D.F.'s
8 personal life. Respondent told M.K. that D.F.'s husband had sex with black women in the back
9 seat of his car. M.K. told respondent that he did not need to know this information and
10 respondent gave him a funny look and walked away. At a subsequent social engagement where
11 both M.K. and D.F. were present, M.K. related to D.F. what respondent had told him at the dinner
12 party. D.F., although shocked at the revelation, confirmed that what respondent told M.K. about
13 the sexual escapades was true.

14 o. An additional incident occurred at the October 17 dinner which was
15 upsetting to M.K. S.R., M.K.'s lover, was also in attendance at the dinner party. The two men
16 had been in a romantic relationship for approximately 18 ½ years and respondent was aware of
17 the romantic nature of the relationship. During the dinner party, while S.R. and respondent were
18 engaged in small talk, respondent hugged and kissed S.R. When respondent kissed him, she
19 inserted her tongue into S.R.'s mouth. S.R. interpreted the kiss as being romantic and told M.K.
20 about the incident. M.K. became upset after S.R. told him what had happened.

21 p. At an earlier point in his therapy sessions, M.K. recalled that
22 respondent had a sign in her office advertising her participation in the Avon Walk Against Breast
23 Cancer in Santa Barbara. The sign stated that contributions sponsoring her participation in the
24 Walk would be accepted. M.K. further recalled that he received correspondence from respondent
25 soliciting contributions for her sponsorship in the Walk. M.K. remembers making a contribution
26 of \$100 or \$150 which he gave to respondent's receptionist.

27 q. The standard of care requires that psychologists keep in their
28 confidence information obtained through the clinical relationship with their patients and disclose

1 this information to others only when it is appropriate for scientific or professional purposes.
2 Included as information obtained in confidence is the fact that a patient is undergoing therapy.
3 avoid confusion or potential exploitation of the therapeutic relationship through non-professional
4 relationships. The standard of care further requires that a psychologist refrain from inappropriate
5 social behavior and sexually provocative acts in the presence of patients. Finally, the standard of
6 care requires that psychologists avoid the exploitation of patients by keeping professional services
7 separate from other business and personal services and interactions. This standard dictates that a
8 psychologist, because of patient vulnerability, is to avoid any display or indication that the patient
9 is being solicited to donate to any specific cause which is personal to the psychologist.

10 r. Respondent was grossly negligent based on the following acts and
11 omissions, both individually and collectively, as follows: (1) respondent disclosed confidential
12 information relating to current or former patients, including the fact that the patients were in
13 therapy; and (2) respondent engaged in socially inappropriate behavior and sexually provocative
14 conduct as reflected in the incident where, knowing S.R. to be M.K.'s lover, and in the presence
15 of others at a social event, she kissed S.R. in the lips while inserting her tongue in his mouth.

16 SECOND CAUSE FOR DISCIPLINE

17 (Repeated Negligent Acts)

18 8. Respondent is subject to disciplinary action under subdivision (r) of Code
19 section 2960 for repeated acts of negligence in rendering psychological therapy to two patients.
20 The circumstances are as follows:

21 Patient S.S.

22 a. The facts and allegations in paragraph 7, subparagraphs (a) through
23 (j) inclusive, are incorporated here by reference.

24 b. Respondent was negligent based on the following acts and
25 omissions, both individually and collectively, as follows: (1) respondent repeatedly invited
26 current and former patients to social events (e.g., 9/98 Banderas Restaurant dinner and 10/98
27 dinner party hosted by respondent) where patient confidences were subject to disclosure; (2) in
28 the presence of patients at non-therapeutic social events or meetings, respondent engaged in

1 socially inappropriate behavior and sexually provocative conduct as reflected in the incident
2 where her breasts were exposed her after allowing her halter to fall off, kissing M.R. in the lips,
3 and presenting herself nude in the presence of S.S.; (3) respondent engaged in a long-term
4 personal, friendship based relationship with S.S. where respondent disclosed intimate aspects of
5 her life which were unrelated to the therapeutic needs of S.S.; (4) respondent exploited the
6 therapeutic relationship by soliciting an invitation from S.S. to a social event hosted the Rabows
7 to which respondent had not been invited; and (5) respondent developed a romantic relationship
8 with the boyfriend of S.S. during the therapeutic relationship.

9 **Patient M.K.**

10 c. The facts and allegations in paragraph 7, subparagraphs (l) through
11 (q) inclusive, are incorporated here by reference.

12 d. Respondent was negligent based on the following acts and
13 omissions, both individually and collectively, as follows: (1) respondent disclosed confidential
14 information relating to current or former patients, including the fact that the patients were in
15 therapy; (2) respondent engaged in socially inappropriate behavior and sexually provocative
16 conduct as reflected in the incident where in the presence of others at a social event, she kissed
17 S.R. in the lips while inserting her tongue in his mouth; and (3) respondent exploited the
18 therapeutic relationship by posting in her office a sign stating that contributions to a charitable
19 fund-raising event in which respondent was going to participate would be accepted and sending
20 correspondence to M.K. which contained the same message.

21 **THIRD CAUSE FOR DISCIPLINE**

22 (Willful Communication of Unauthorized Confidential Information)

23 9. Respondent is subject to disciplinary action under subdivision (h) of Code
24 section 2960 for wilfully communicating without authorization information obtained in
25 professional confidence. The circumstances are as follows:

26 **Patient M.K.**

27 a. The facts and allegations in paragraph 7, subparagraphs (l) through
28 (n) inclusive, are incorporated here by reference.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Violation of Provisions Regulating the Practice of Psychology)

3 b. Respondent is subject to disciplinary action under subdivisions (i) and (k)
4 of Code section 2960 in that respondent violated the rules of professional conduct regarding
5 interpersonal relationships with a patient or client as promulgated in Title 16, article 8, section
6 1396.1 of the California Code of Regulations. The circumstances are as follows:

7 **Patient S.S.**

8 a. The facts and allegations in paragraph 7, subparagraphs (a) through
9 (j) inclusive, are incorporated here by reference.

10 **Patient M.K.**

11 b. The facts and allegations in paragraph 7, subparagraphs (l) through
12 (q) inclusive, are incorporated here by reference.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Psychology issue a decision:

16 a. Revoking or suspending Psychologist's License Number PSY 6181, issued
17 to respondent Marilyn M. Ruman, Ph.D.;

18 b. Ordering respondent Marilyn M. Ruman, Ph.D., to pay the Board of
19 Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed
20 on probation, the costs of probation monitoring;

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1 c. Taking such other and further action as the Board of Psychology deems
2 necessary and proper.

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4 J DATED: July 25, 2000.

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8 THOMAS S. O'CONNOR
9 Executive Officer
10 Board of Psychology
11 Department of Consumer Affairs
12 State of California
13 Complainant
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